
**Select Committee on Hood Canal
Committee**

HB 1896

Brief Description: Limiting geoduck harvest in parts of Hood Canal.

Sponsors: Representatives Appleton, Eickmeyer, Chase and Haigh.

Brief Summary of Bill

- Prohibits the Department and Fish and Wildlife (WDFW) and the Department of Natural Resources (DNR) from entering into management plans for harvest of naturally occurring geoducks below the mean low tide line in a specified area of the Hood Canal.
- Restricts the WDFW and the DNR from entering into these harvest management plans for harvests greater than a specified quantity in certain areas.
- Allows the Fish and Wildlife Commission (Commission) to adopt a rule authorizing these harvest management plans if a majority of the Commission affirms specified findings.
- Requires the Commission to submit a research summary to the appropriate committees of the Legislature if a majority vote on the specified findings occurs.
- Specifies the Commission rule may not take effect until after the legislative session in which the research summary is submitted.

Hearing Date: 2/17/05

Staff: Caroleen Dineen (786-7156).

Background:

Harvest Management Plans

Geoduck resources and the commercial geoduck fishery are generally managed jointly by the Department of Fish and Wildlife (WDFW) and the Department of Natural Resources (DNR) pursuant to a Memorandum of Understanding (MOU). The MOU gives the WDFW primary responsibility for conducting resource assessments and setting the total amount of geoduck that can be harvested annually. The DNR has primary responsibility according to the MOU for managing the state harvest and sale of geoducks, including planning and location of state sales.

Pursuant to a federal district court decision, Washington shares management authority over the geoduck fishery with tribal co-managers. US v. Washington, 873 F. Supp 1422 (1994) [often referred to as the "Rafeedie decision" after the judge who decided the case]. The Rafeedie decision and a later decision [US v. Washington, 898 F. Supp 1453 (1995)], describe how the court expects the state and the tribes to share equal portions of the sustainable harvest biomass of any shellfish species, including geoduck. The state and tribal co-managers are directed by the court to enter into management plans to implement the decision and to comply with the terms of all management plans.

WDFW and DNR agreed in the MOU to jointly represent the state delegation in conversations with area tribes concerning the state-tribal management of the subtidal geoduck fishery. Both state agencies agreed to work together in adopting a unified state position on geoduck management prior to presenting the state position to the tribal co-managers. The signatures of both state agency directors appear on management plans entered into by the state and tribes.

Hood Canal Low Dissolved Oxygen

Hood Canal is a glacier-carved fjord approximately 60 miles in length with approximately 180 miles of shoreline. Portions of Hood Canal have had low dissolved oxygen concentrations for many years. The University of Washington (UW) recorded low dissolved oxygen concentrations in the 1950s. In recent years, low dissolved oxygen concentration conditions and significant fish death events have been recorded on Hood Canal. The 2004 dissolved oxygen concentrations in southern Hood Canal were the lowest recorded concentrations for the water body.

Research and monitoring related to Hood Canal's low dissolved oxygen concentrations is being conducted. In May 2004 the Puget Sound Action Team and the Hood Canal Coordinating Council published a report - the Preliminary Assessment and Corrective Plan (PACA) - assessing sources of nitrogen introduced into Hood Canal. Federal, state, regional, and local agencies and organizations are conducting Hood Canal monitoring and research. In addition, a group of 20 federal, state, local, and tribal agencies and nonprofit organizations have established the Hood Canal Dissolved Oxygen Program (HCDOP), a three-year effort to coordinate Hood Canal monitoring, analysis, and modeling.

Summary of Bill:

Prohibitions and restrictions on management plans for harvest of naturally occurring geoducks below the mean low tide line are specified. The WDFW and the DNR may not enter or reenter into a management plan with a state or nonstate entity authorizing this type of harvest in the Hood Canal south of a line projected from South Point in Jefferson County and Lofall in Kitsap County. In the Hood Canal north of the South Point - Lofall line and south of a line projected from Tala Point in Jefferson County and Foulweather Bluff in Kitsap County, these state agencies may not enter or reenter into a management plan with a state or nonstate entity allowing for such a harvest in an amount greater than 90% of the 2000-2004 average harvest level for that area.

The Fish and Wildlife Commission (Commission) may adopt a rule authorizing a harvest that would be otherwise prohibited or restricted under certain conditions. A majority of the Commission must affirm that:

- a mapping inventory of the naturally occurring geoducks in the Hood Canal south of the Tala Point - Foulweather Bluff line has been completed;

- the significance of geoducks in reducing oxygenation has been specifically studied; and
- the results of the mapping inventory and oxygenation study indicate that allowing such a harvest will not have significant short-term or long-term adverse effects on Hood Canal's environmental health.

If a majority of the Commission affirms the required findings, a summary of the research considered must be submitted to the appropriate committees of the Legislature. The Commission rule may not take effect until 30 days after adjournment of the legislative session in which the research summary is submitted.

Appropriation: None.

Fiscal Note: Requested on February 16, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.